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By ECF & E-MAIL (ALCarterNYSDChambers@nysd.uscourts.gov)
The Honorable Andrew L. Carter Jr.
Thurgood Marshall United States Courthouse
Room 435
40 Foley Square New York, NY 10007

Re: *Statistica Capital Ltd., et al. v. Signature Bank, et al.*, No. 1:23-cv-00993 (S.D.N.Y.)

Dear Judge Carter:

We represent defendant Stephen Wyremski in the above-captioned matter, and write on behalf of all parties to respectfully request that the Court: (1) enter the below proposed deadlines for the filing of a second amended complaint (the “Forthcoming SAC”) and for all defendants to respond to the Forthcoming SAC; and (2) vacate the deadlines for individual defendants Scott Shay, Eric Howell, and Stephen Wyremski (together, with Joseph J. DePaolo, the “Individual Defendants”), and defendant Federal Deposit Insurance Corporation in its capacity as the Receiver for Signature Bank (“FDIC-R”) to respond to the first amended complaint.

Between January 4 and January 8, 2024, plaintiffs purported to serve individual defendants Scott Shay, Eric Howell, and Stephen Wyremski with a summons¹ and a copy of the first amended complaint,² resulting in different dates in which three of the Individual Defendants must purportedly respond (with the earliest date being January 25, 2024). Separately, the FDIC-R’s response to the first amended complaint is due by February 12, 2024. See Dkt No. 52.

Counsel for the Individual Defendants and FDIC-R have each conferred with counsel for the plaintiffs and plaintiffs have indicated that they wish to have 30 days to file a second amended complaint. The Individual Defendants and FDIC-R consent to such amendment.

The Individual Defendants and FDIC-R have agreed to accept service of the plaintiffs’ Forthcoming SAC, and propose to have all defendants in this action respond to the Forthcoming SAC on the same date, 60 days from filing of the Forthcoming SAC.

¹ Defendant Joseph J. DePaolo has not yet been served, as a result of the parties having come to this agreement. Individual defendants Shay, Howell, and Wyremski contend that service on them was not proper because the summonses were deficient. However, all defendants have agreed to accept service of the Forthcoming SAC, extending their date to respond to April 29, 2024. See Fed. R. Civ. P 4(d)(3).

² Although the first amended complaint was filed on March 16, 2023, the Court stayed this action on March 27, 2023, and lifted the stay on December 28, 2023. See Dkt No. 52.



The parties submit that a single date for all defendants to respond to the Forthcoming SAC would be more efficient and would conserve judicial resources. Consequently, the parties propose the following deadlines:

| Event | Deadline |
|---|--|
| Plaintiffs to file a second amended complaint | Thursday, February 29, 2024 |
| Individual Defendants and FDIC-R to respond to the second amended complaint | Monday, April 29, 2024 (60 days from filing of the second amended complaint) |

The parties respectfully request that the Court (1) so-order the proposed schedule above, (2) vacate the deadlines at Docket Nos. 55-57 for Individual Defendants Shay, Howell, and Wyremski to respond to the first amended complaint, and (3) vacate the deadline at Docket No. 52 for the FDIC-R to respond to the first amended complaint.

We remain available to discuss at Your Honor's convenience.

Respectfully submitted,

CROWELL & MORING LLP

/s/ Anand Sithian

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